

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
Cor. E/S Ballistan Rd., N/S
of Banat Court
5407 Balistan Road
14th Election District
6th Councilmanic District
Patrick T. Spataro, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-398-A
*

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Patrick T. Spataro and Dorothy V. Spataro, his wife, for that property known as 5407 Balistan Road in the Barrington subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 3 ft. side setback in lieu of 6 ft. for an open existing porch, and to amend the Final Development Plan of King's Court. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

ORDER PREPARED FOR FILING

Date

By

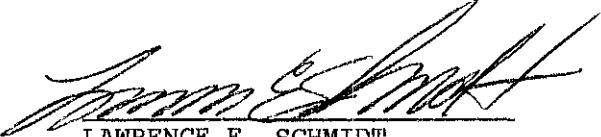
MICROFILMED

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of June, 1995 that the Petition for a Zoning Variance from Sections 1B02.3.B and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 3 ft. side setback in lieu of 6 ft. for an open existing porch, and to amend the Final Development Plan of King's Court, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The deck shall remain open on all three sides and shall not be enclosed at any time.
3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmn

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1995

Mr. and Mrs. Patrick T. Spataro
5407 Balistan Road
Baltimore, Maryland 21237

RE: Petition for Administrative Variance
Case No. 95-398-A
Property: 5407 Balistan Road

Dear Mr. and Mrs. Spataro:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
encl.



Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 5407 BALISTAN RD.
address
BALTO. MD. 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (indicate hardship or practical difficulty)

EXTENDED OVER SETBACK LIMITS
PRE-EXISTING NON-CONFORMING PORCH
PORCH BUILT FOR EXISTING SLIDING GLASS-DOORS

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Patrick T. Spataro
(signature)
PATRICK T. SPATARO
(type or print name)



Dorothy V. Spataro
(signature)
DOROTHY V. SPATARO
(type or print name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 1st day of MAY, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

PATRICK T. & DOROTHY V. SPATARO

the Affiants(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

MAY 1, 1995
date

[Signature]
NOTARY PUBLIC

My Commission Expires: Nov, 1995

WITNESSED BY:



Petition for Administrative Variance

75-398-A

to the Zoning Commissioner of Baltimore County

for the property located at 5407 Balistan Road, Balto. 21237

which is presently zoned DRS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

11302.3.B (11301.2.C.4, 1970) and 301.1A to permit a 13' side setback in lieu of 6' for an open porch and amend the FDP of King's Court.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

EXTENDED OVER SETBACK LIMITS PRE-EXISTING NON-CONFORMING PORCH, PORCH BUILT FOR EXISTING SLIDING GLASS-DOOR

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner.

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

PATRICK T. SPATARO

(Type or Print Name)

Signature

DOROTHY V. SPATARO

(Type or Print Name)

Signature

5407 Balistan Road (410) 686-5529

Address

Phone No.

Baltimore, MD

21237

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

Name

Address

Phone No.

A Public Hearing having been requested and/or found to be required, it is ordered by the Zoning Commissioner of Baltimore County, this ____ day of _____, 19____ that the subject matter of this petition be set for a public hearing, advertised, as required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be reposted.

Zoning Commissioner of Baltimore County

REVIEWED BY: 2276

DATE: 5/3/95

ESTIMATED POSTING DATE: 5/14/95

Printed with Soybean Ink
on Recycled Paper

ITEM #: 395

ZONING DESCRIPTION

ZONING DESCRIPTION FOR 5407 Balistan Road.

Beginning at a point on the ^{East}North side of Balistan Road which is 26 feet wide at the distance of 0 feet ^{North}West of the centerline of the nearest improved intersecting street which is Banat Court.
*Being Lot # 6, Block "B" in the subdivision of Barrington, as recorded in Baltimore County Plat Book #42, Folio #76, containing 11,500 sq.ft. Also known as 5407 Balistan Road, Baltimore, Maryland 21237 and located in the 14 Election district, 6 Councilmanic District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

98-398-A

District 14th Date of Posting 5/13/95

Posted for: Variance

Petitioner: Patrick & Dorothy Spataro

Location of property: 52107 Balis Ter Rd, F/S

Location of Signs: Facing road & way for property being zoned &

Remarks: _____

Posted by M. Tealy Date of return: 5/19/95
Signature

Number of Signs: 1



RECEIVED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt
95-398-A

Account: R-001-6150

Number

Date 5/3/95

Item: 395

Taken In

By: JMK

Spataro, Patrick T. — 5407
Belknap Rd

010- Res Var — \$50.00

030- Spiking — \$50.00

080- 1 sign posting — \$35.00

Total — \$135.00

03A03B006EMICRC

PA. COUNTY CLERK-44-93

AUG 10

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 395

Petitioner: Patrick T. Spataro

Location: 5407 Balistun Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Patrick T. Spataro

ADDRESS: 5407 Balistun Road

Bn Hb. Md. 21237

PHONE NUMBER: 687-5797

AJ:ggs

(Revised 04/09/93)



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 11, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-398-A (Item 395)
5407 Balistan Road
corner E/S Balistan Road, N/S Banat Court
14th Election District - 6th Councilmanic
Legal Owner(s): Patrick T. Spataro and Dorothy V. Spataro

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

- 1) Your property will be posted on or before May 14, 1995. The closing date (May 30, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.
- 2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reposted and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reposting and newspaper advertising are payable by the petitioner(s).
- 3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Patrick T. Spataro and Dorothy V. Spataro

MICROFILMED



Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 25, 1995

Mr. and Mrs. Patrick T. Spataro
5407 Balistan Road
Baltimore, Maryland 21237

RE: Item No.: 395
Case No.: 95-398-A
Petitioner: P. T. Spataro, et ux

Dear Mr. and Mrs. Spataro:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by, the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 3, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties; i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
A handwritten signature in dark ink, appearing to read "W. Carl Richards, Jr." with a stylized flourish at the end.

W. Carl Richards, Jr.
Zoning Supervisor


WCR/
Attachment(s)



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director 
Office of Planning and Zoning

DATE: May 16, 1995

SUBJECT: 5407 Balistan Road

INFORMATION:

Item Number: 395
Petitioner: Spataro Property
Property Size: _____
Zoning: DR 5.5
Requested Action: Variance
Hearing Date: _____/_____/_____

SUMMARY OF RECOMMENDATIONS:

The applicants request a variance to permit a 3' setback for an open projection and an amendment to the FDP for King's Ridge.

Based upon the information provided, staff offers the following comment:

Pursuant to Section 1b01.3A7.b(1) of the Baltimore County Zoning Regulations, an analysis of the subject request reveals that this minor amendment is in accordance with the specific standards and requirements of (BCZR) Article (1B), as required by sub-section 7.b(2).

Notwithstanding the finding that the amendment is in accordance with the appropriate sections of the BCZR and CMDP, staff believes that the applicants will need to prove practical difficulty to justify the location of the open projection.

Prepared by: Jeffrey W. Long

Division Chief: Carol L. Kerns

PK/JL

To: Joyce Watson
ZAC Comm

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/16/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/15/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

393

394

395

396

398

399

400

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/11/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 15, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 392, 394, 395, 396,
397, 398, 399 AND 400.

RECEIVED

MAY 18 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED





Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

5-12-95

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 395 (MWK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

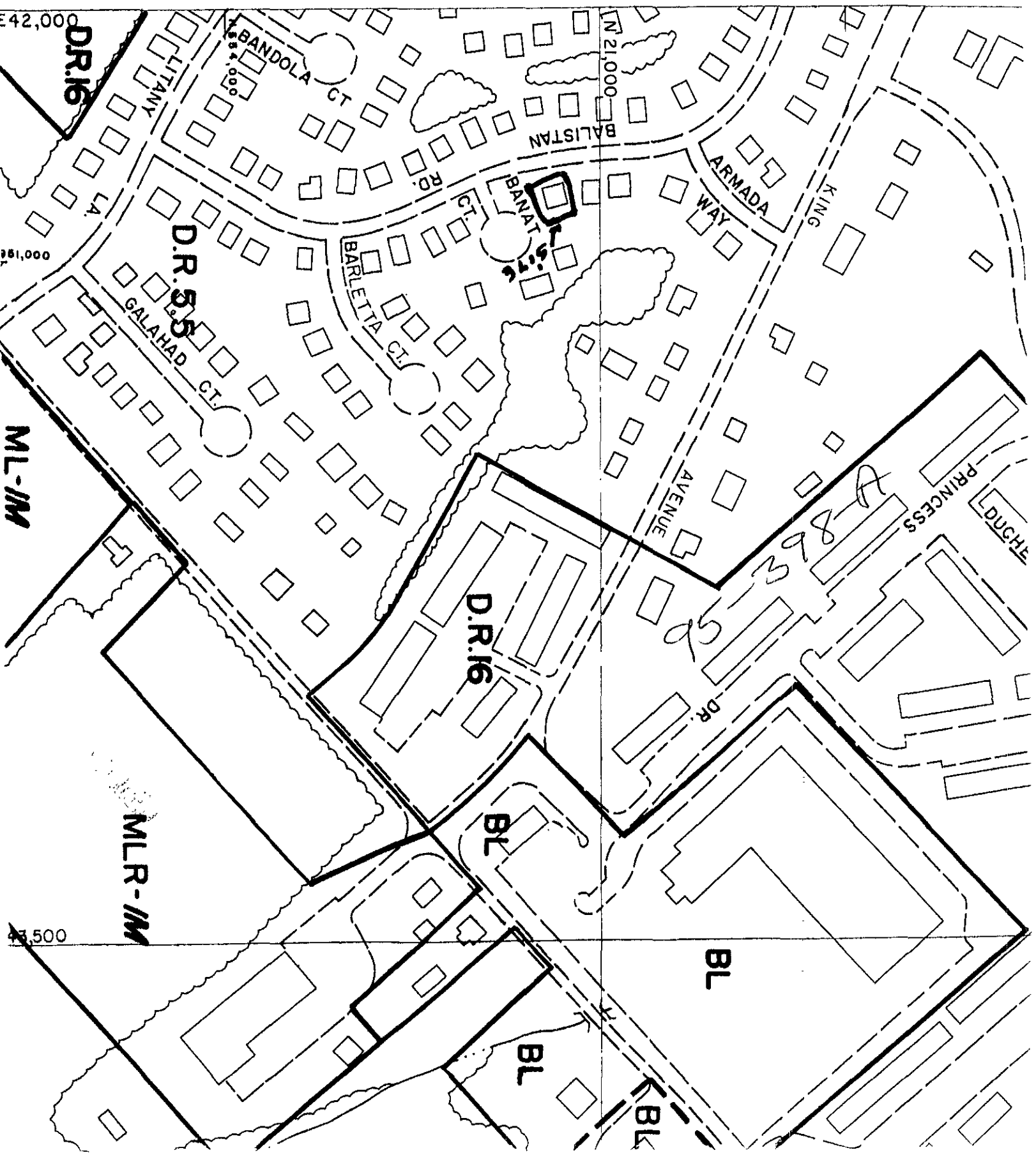
Very truly yours,

Bob Small

for Ronald Burns, Chief
Engineering Access Permits
Division

BS/

395
NE
6-4
N ↑



PLOT PLAN

OWNER PATRICK & DOROTHY SPATARO

Application No. _____

ADDRESS 5407 BALISTAN RD. 21237

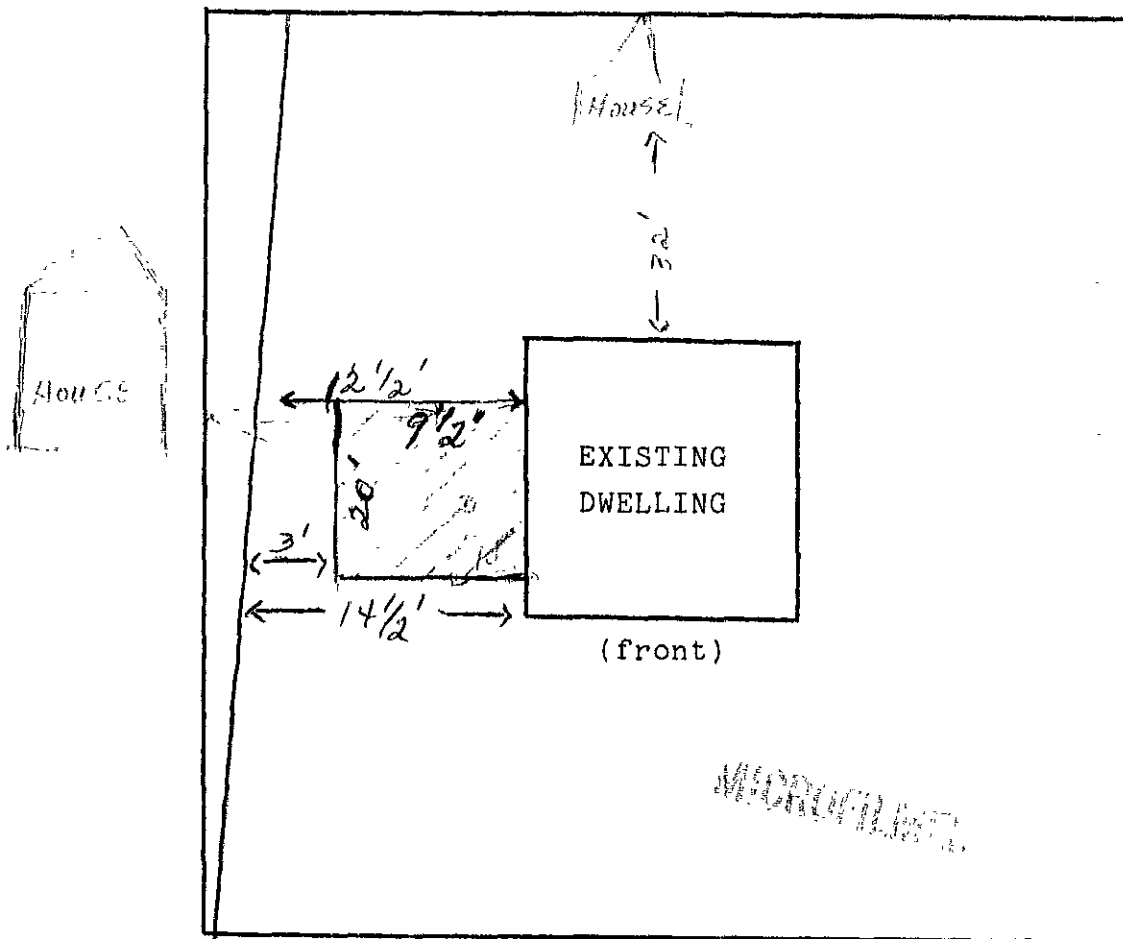
PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback 14 1/2' Left side setback 3'
Rear yard setback 32' Right side setback _____

NOTE:

Cannot fence access easements.



ROAD NAME BALISTAN RD.

345

6/9/



Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

see pages 5 & 6 of the CHECKLIST for additional required information

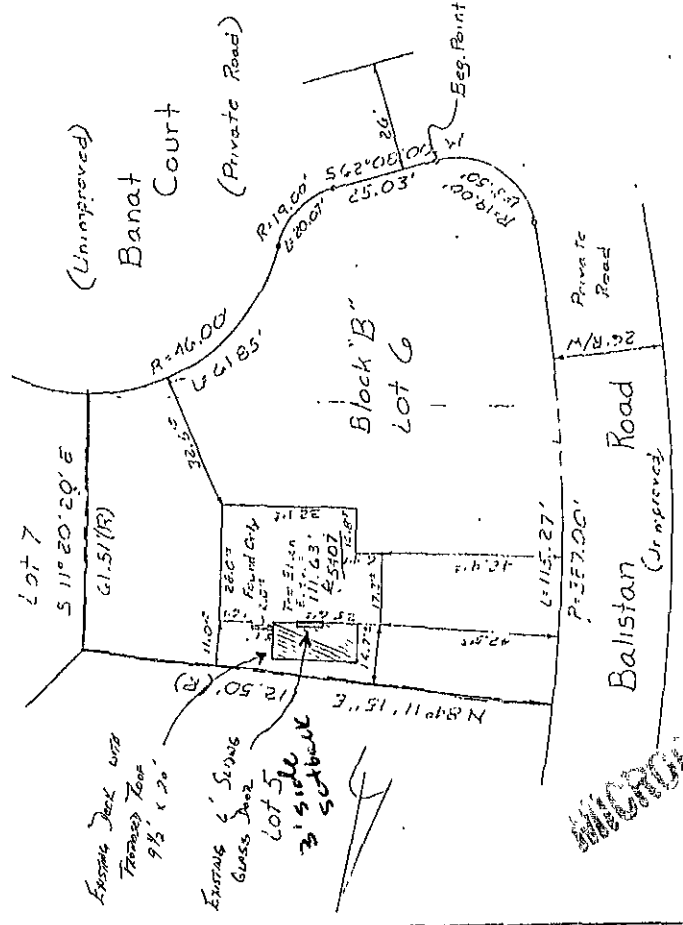
PROPERTY ADDRESS: 5407 BALISTAN ROAD

Subdivision name: BARRINGTON

plat book # 42, folio # 76, lot # 6, section # B

OWNER: PATRICK T. & DOROTHY V. SPARRO

Plat showing property known as #5407 Balistan Road, Baltimore County, Maryland. Also known as Lot 6, Block "B", as shown on Plat One, Section Three, Phase One, "KING'S COURT" and recorded among the Land Records of Baltimore County in Plat Book E. H. K., Jr. 40-146.



North

date: _____ prepared by: _____

Scale of Drawing: 1" = 30' as ATTACHED PLAT MAP

95-398-A

LOCATION INFORMATION

Election District: 14

Councilmanic District: 6

1"-200' scale map #: NE 6 H

Zoning: D.R. 5.5

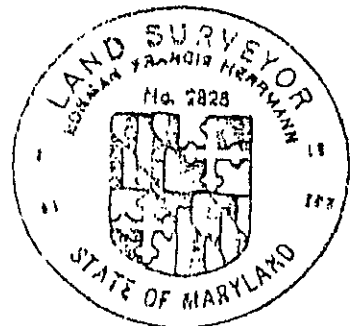
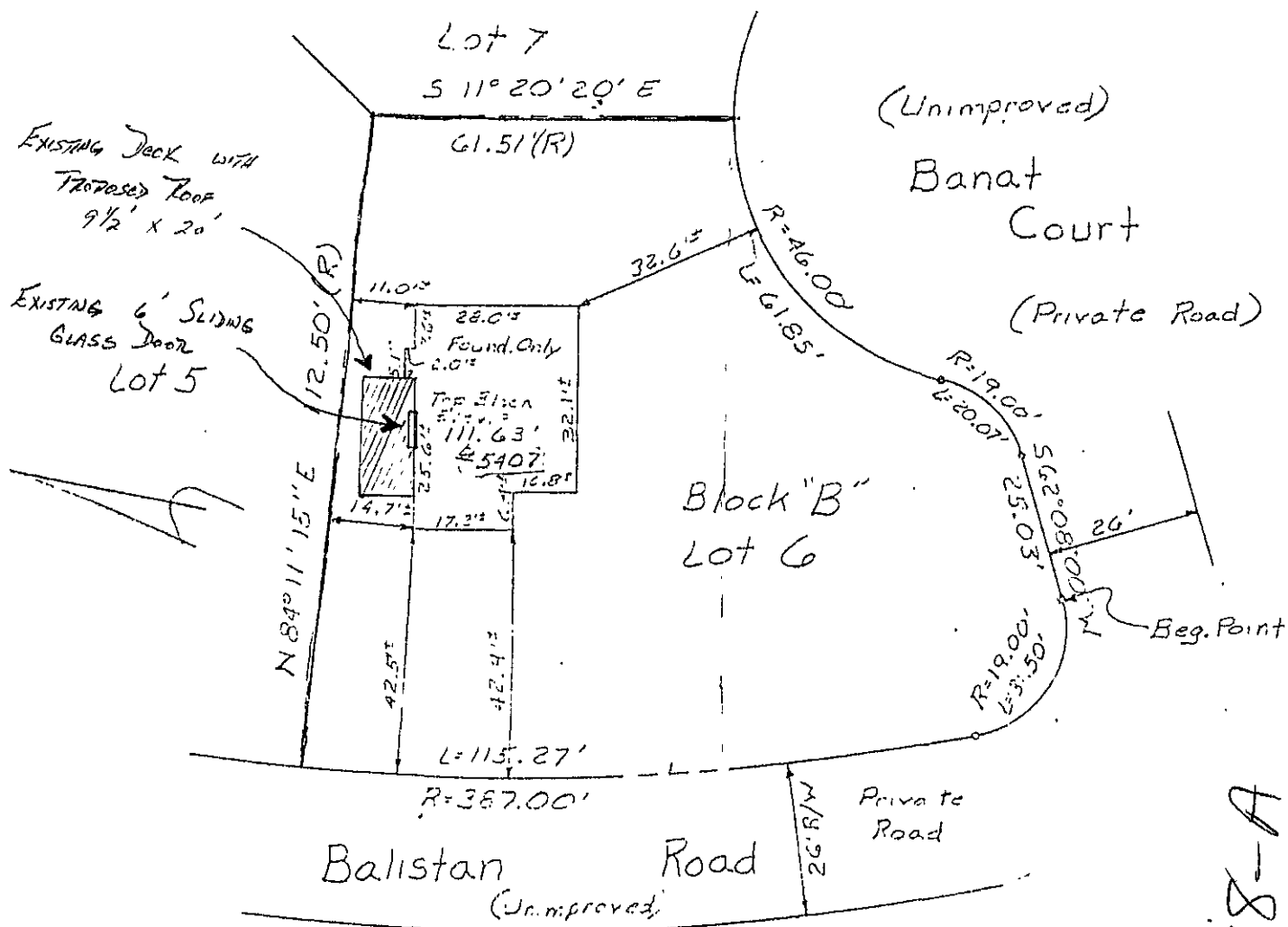
Lot size: 287 acreage 11,500 square feet

public ☒ private ☐
SEWER: ☒ WATER: ☒
Chesapeake Bay Critical Area: ☐ Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: MDK ITEM #: 395 CASE#:

Plat showing property known as Block "B", as shown on Plat One, Section Three, Phase One, known as Lot 6, Block "B", as shown on Plat One, Section Three, Phase One, "KING'S COURT" and recorded among the Land Records of Baltimore County in Plat Book E.H.K., Jr. 40-146.



THIS IS TO CERTIFY that I have located the improvements on the lot shown hereon, and that said improvements exist, and that said improvements lie entirely within the boundaries.

Francis Hearman

Per MCA ENGINEERING CORPORATION
THIS PLAT NOT INTENDED FOR USE IN THE
ESTABLISHMENT OF PROPERTY LINES.

MCA ENGINEERING CORPORATION	
1020 Cromwell Bridge Road, Baltimore, Maryland 21204	
Scale: 1"=30'	Issued: 8-29-77

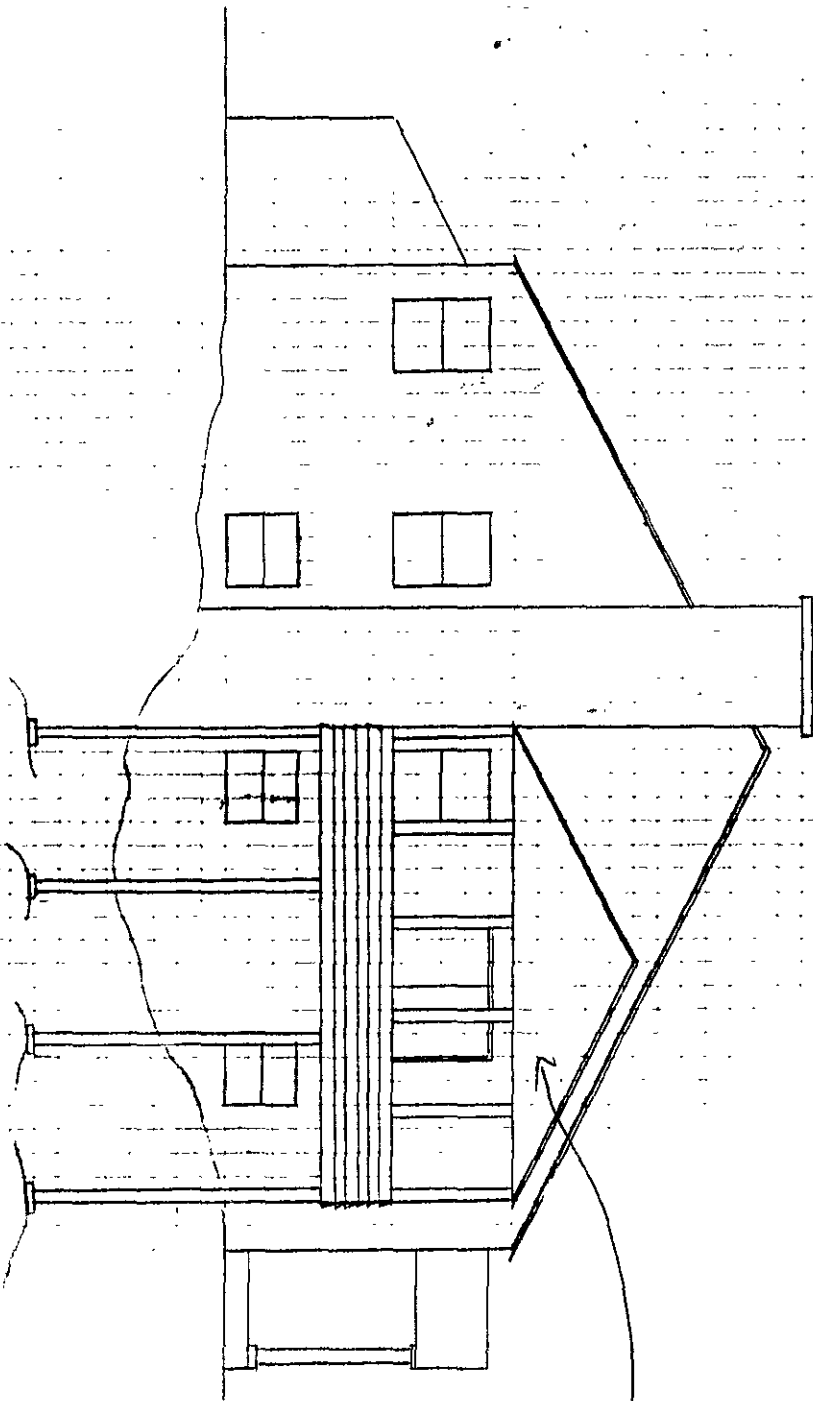
95-398-A

11.5.00 287

JO. 1-62031-C-1
WO. 1-5507-C

Patrick T. Spalato
Dorothy V. Spalato
5407 Belknap Road
Baltimore, MD 21237-4505

(410) ~~686-5529~~
687-5797



PROPOSED
STRUCTURE

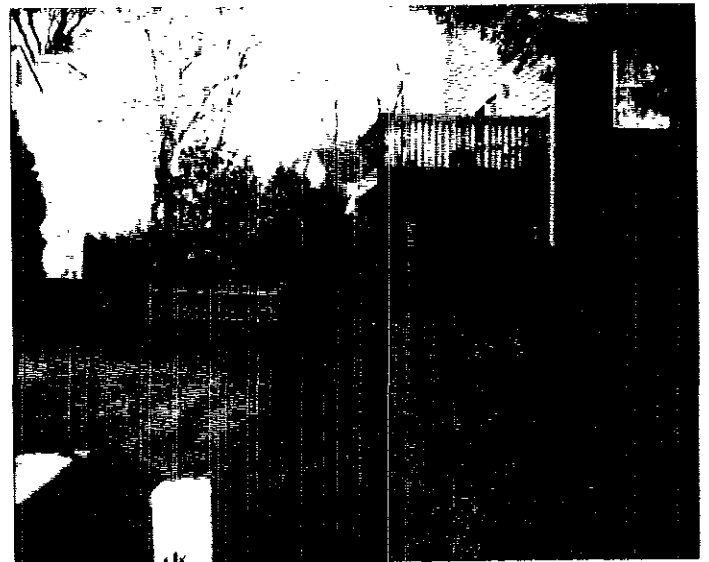
RECEIVED BY JUNE 10, 1997

395

MAILED 10/10/97



FRONT



FRONT



SIDE



BACK

Patrick T. Spataro
Dorothy V. Spataro
5407 Balistan Road
Baltimore, MD 21237-4505

95-398-A

MICROFILMED

395



PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

SCALE		LOCATION	
1" = 200' ±		MICROFILMED	
DATE OF PHOTOGRAPHY JANUARY 1986		POPULAR	
		SHEET	
		NE	
		6-H	
		# 345	

95-398-A

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
Cor. E/S Balistan Rd., N/S
of Banat Court
5407 Balistan Road
14th Election District
6th Councilmanic District
Patrick T. Spataro, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 95-398-A
*

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Patrick T. Spataro and Dorothy V. Spataro, his wife, for that property known as 5407 Balistan Road in the Barrington subdivision of Baltimore County. The Petitioners/property owners herein seek a variance from Sections 1802.3.B and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 3 ft. side setback in lieu of 6 ft. for an open existing porch, and to amend the Final Development Plan of King's Court. All as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 7th day of June, 1995 that the Petition for a Zoning Variance from Sections 1802.3.B and 301.1.A of the Baltimore County Zoning Regulations (BCZR) to permit a 3 ft. side setback in lieu of 6 ft. for an open existing porch, and to amend the Final Development Plan of King's Court, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The dock shall remain open on all three sides and shall not be enclosed at any time.

3. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:mmm

-2-

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1995

Mr. and Mrs. Patrick T. Spataro
5407 Balistan Road
Baltimore, Maryland 21237

RE: Petition for Administrative Variance
Case No. 95-398-A
Property: 5407 Balistan Road

Dear Mr. and Mrs. Spataro:

Enclosed please find the decision rendered in the above captioned case. The Petition for Administrative Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT
Zoning Commissioner

LES:mmm
encl.



Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 5407 Balistan Road, Balto. 21237
which is presently zoned RS-5

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1802.3.B (1801.2.C.4, 1470) and 301.1.A. to permit a 3' side setback in lieu of 6' for an open porch and amend the FDD for King's Court.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

EXTENDED OVER SETBACK LIMITS PRE-EXISTING NON-CONFORMING PORCH. PORCH BUILT FOR EXISTING SLIDING GLASS-DOORS

Property is to be posted and advertised as prescribed by Zoning Regulations. I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner/Owner
(Type or Print Name)
Signature
Address
City State Zipcode
Attorney for Petitioner
(Type or Print Name)
Signature
Address
City State Zipcode
Name, Address and phone number of representative to be contacted

A Public Hearing having been requested and/or found to be required, it is ordered, by the Zoning Commissioner of Baltimore County, this 10 day of June, 1995, that the subject matter of this petition be set for a public hearing, advertised, on required by the Zoning Regulations of Baltimore County, in two newspapers of general circulation throughout Baltimore County, and that the property be posted.

REVIEWED BY: LES DATE: 5/10/95
ESTIMATED POSTING DATE: 5/10/95

Printed with Soybean Ink
on Recycled Paper

ITEM #: 395

Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 5407 BALISTAN RD.
BALTO. MD. 21237
City State Zip Code

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address: (Indicate hardship or practical difficulty)

EXTENDED OVER SETBACK LIMITS
PRE-EXISTING NON-CONFORMING PORCH
PORCH BUILT FOR EXISTING SLIDING GLASS-DOORS

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Patrick T. Spataro Dorothy V. Spataro
Patrick T. SPATARO Dorothy V. SPATARO
(Type or Print Name) (Type or Print Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:
I HEREBY CERTIFY, this 1st day of Jun, 1995, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared
Patrick T. & Dorothy V. Spataro

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

May 1, 1995

My Commission Expires: Nov. 1995

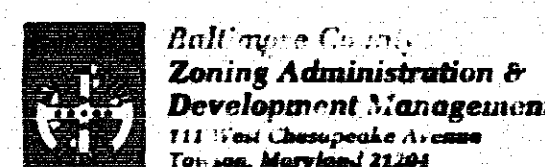
ZONING DESCRIPTION

ZONING DESCRIPTION FOR 5407 Balistan Road.

Beginning at a point on the North side of Balistan Road which is 26 feet wide at the distance of 0 feet West of the centerline of the nearest improved intersecting street which is Banat Court. *Being Lot # 6, Block "B" in the subdivision of Barrington, as recorded in Baltimore County Plat Book #42, Folio #76, containing 11,500 sq.ft. Also known as 5407 Balistan Road, Baltimore, Maryland 21237 and located in the 14 Election district, 6 Councilmanic District.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 14th Date of Posting: 5/10/95
Posted for: Variance
Petitioner: Patrick T. Spataro
Location of property: 5407 Balistan Rd. Apt. 4B
Location of Signs: Facing the property, 200 ft. W. of property
Remarks:
Posted by: Michael Date of return: 5/13/95
Number of Signs: 1



Date: 5/3/95

Spataro, Patrick T. - 5407
Balistan Rd

010- Res. Var. - \$50.00
030- Sp. H. - \$50.00
020- 1 sign posting - \$35.00
Total - \$135.00

0340300031MCHMC 9135.00
Please Make Checks Payable To Baltimore County

receipt
95-398-A

Account: 8-001-6150

Number

Item: 395

Taken In

By: LES

111 West Chesapeake Avenue
Towson, MD 21201

Baltimore County Government
Office of Zoning Administration
and Development Management



(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 395

Petitioner: Patrick T. Spataro

Location: 5407 Balistan Road

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Patrick T. Spataro

ADDRESS: 5407 Balistan Road

Balto Md 21237

PHONE NUMBER: 687-5797

AJ:ggg

Printed with Soybean Ink
on Recycled Paper

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 11, 1995

NOTICE OF CASE NUMBER ASSIGNMENT

Re: CASE NUMBER: 95-398-A (Item 395)
5407 Ballistan Road
corner 8/8 Ballistan Road, W/S Baum Court
14th Election District - 6th Councilmanic
Legal Owner(s): Patrick T. Spataro and Dorothy V. Spataro

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3391. This notice also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 14, 1995. The closing date (May 30, 1995) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by Order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$60.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

Carl Jablon

Arnold Jablon
Director

cc: Patrick T. Spataro and Dorothy V. Spataro

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

May 25, 1995

Mr. and Mrs. Patrick T. Spataro
5407 Ballistan Road
Baltimore, Maryland 21237

RE: Item No.: 395
Case No.: 95-398-A
Petitioner: P. T. Spataro, et ux

Dear Mr. and Mrs. Spataro:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approving agencies, has reviewed the plans submitted with the above referenced petition. Said petition was accepted for processing by the Office of Zoning Administration and Development Management (ZADM), Development Control Section on May 3, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney, petitioner, etc. are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/
Attachment(s)

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration &
Development Management

FROM: Pat Keller, Director
Office of Planning and Zoning

DATE: May 16, 1995

SUBJECT: 5407 Ballistan Road

INFORMATION:

Item Number: 395

Petitioner: Spataro Property

Property Size:

Zoning: DR 5.5

Requested Action: Variance

Hearing Date:

SUMMARY OF RECOMMENDATIONS:

The applicants request a variance to permit a 3' setback for an open projection and an amendment to the FDP for King's Ridge.

Based upon the information provided, staff offers the following comment:

Pursuant to Section 1601.3A.7.b(1) of the Baltimore County Zoning Regulations, an analysis of the subject request reveals that this minor amendment is in accordance with the specific standards and requirements of (BCZR) Article (1B), as required by sub-section 7.b(2).

Notwithstanding the finding that the amendment is in accordance with the appropriate sections of the BCZR and CNDP, staff believes that the applicants will need to prove practical difficulty to justify the location of the open projection.

Prepared by: *Jeffrey M. Long*

Division Chief: *Carol Kims*

PK/JL

ITEM395/PZONE/ZAC1

To: Joyce Watson
ZAC Comm

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

TO: ZADM

DATE: 5/14/95

FROM: DEPRM
Development Coordination

SUBJECT: Zoning Advisory Committee
Agenda: 5/15/95

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: 393
394
395
396
398
399
400

LS:sp

LETTY2/DEPRM/TXTSBP

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/11/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF MAY 15, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 392, 394, 395, 396, 397, 398, 399 AND 400.

RECEIVED
MAY 16 1995

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

O. James Lighthizer
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 395 (MJK)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

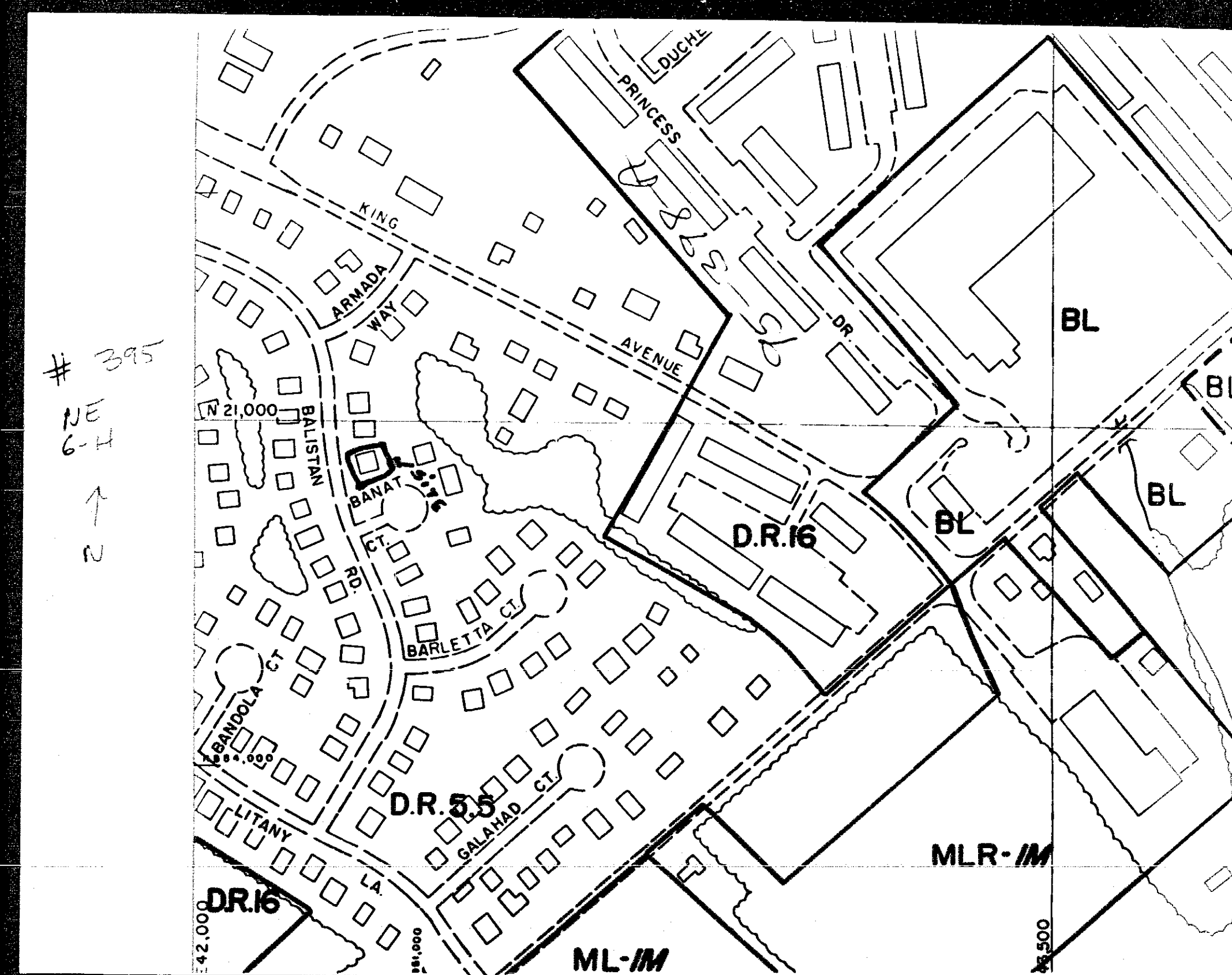
Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/



PLOT PLAN

OWNER: Patrick & Dorothy Spataro Application No. _____

ADDRESS: 5407 Ballistan Rd. 21237

PLEASE SHOW BELOW:

- property line dimensions and easements.
- existing buildings.
- existing well/septic. (show distance to nearest structure)
- road names and location of alleys.
- if your property is in a tidal or riverine flood area, indicate elevation of lowest floor of proposed work.
- the proposed work and the setback distances to the proposed work.

Front yard setback 12' 1/2" Left side setback 3'

Rear yard setback 14' 1/2" Right side setback 3'

NOTE: Cannot fence access easements.

EXISTING DWELLING (front)

ROAD NAME: Ballistan Rd.

395

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

PROPERTY ADDRESS: 5407 BALISTAN ROAD

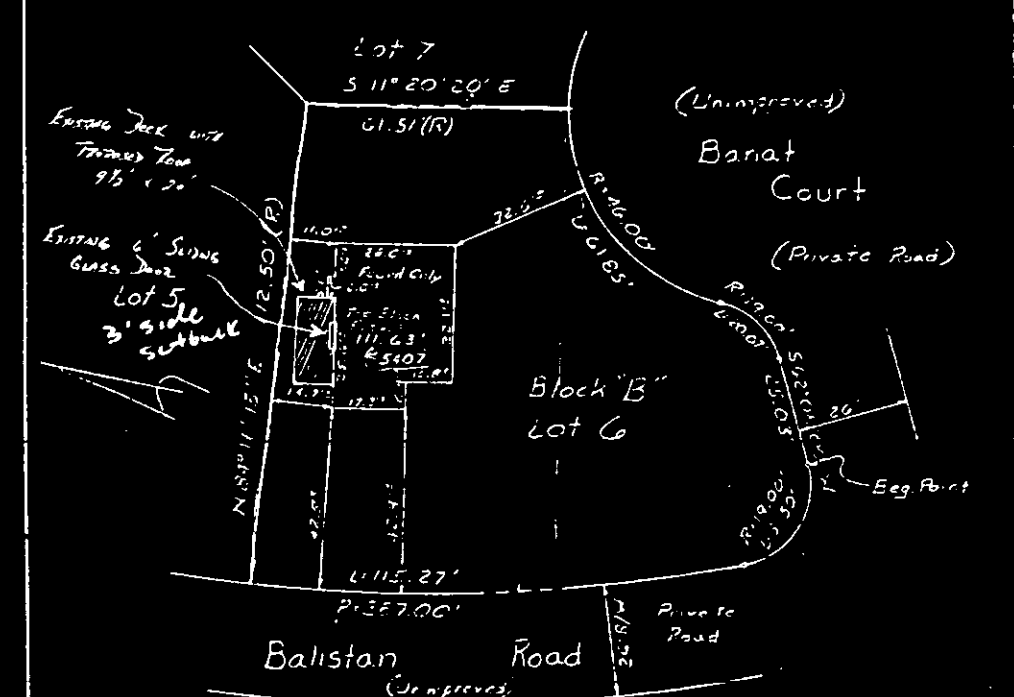
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: BALISTAN RD

Plat book: 42, folio 76, lot 6, section 3

OWNER: PATRICK T. & DOROTHY V. SPALATO

Plat showing property known as 5407 Balistan Road, Baltimore County, Maryland, also known as Lot 6, Block "B", as shown on Plat One, Section Three, Phase One, "KING'S COURT" and recorded among the Land Records of Baltimore County in Plat Book E.H.R., Jr. 40-146.



North arrow pointing up. 95-398-A

Scale of Drawing: 1" = 30' on ATTACHED PLAT MAP

LOCATION INFORMATION

Election District: 14

Councilmanic District: 6

1"=200 scale map: NECH

Zoning: DR 55

Lot size: 287 acreage 11,590 square feet

SEWER: ☒ ☐ ☐

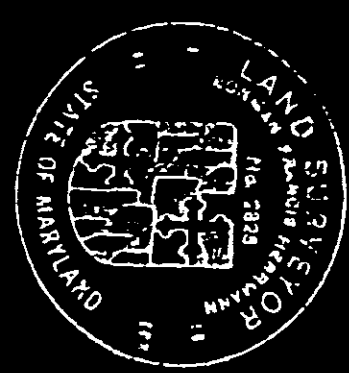
WATER: ☒ ☐ ☐

Chesapeake Bay Critical Area: ☐

Prior Zoning Hearings: NONE

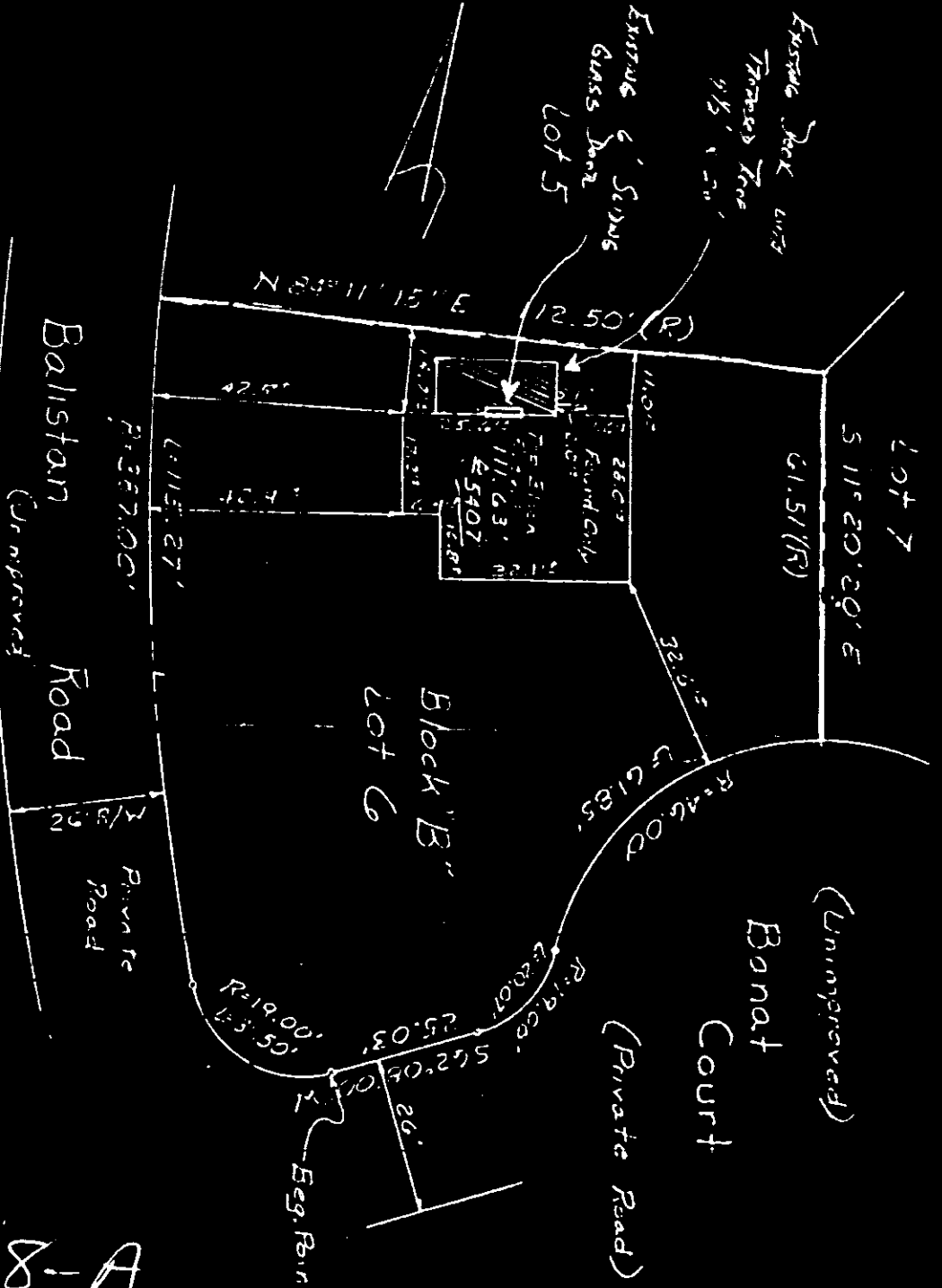
Zoning Office USE ONLY!

reviewed by: MDK ITEM #: 355 CASE#:



THIS IS TO CERTIFY that I have located the improvements shown on this plat, and that said improvements exist, and that said improvements are within the boundaries of the property shown on this plat.

Per MCA ENGINEERING CORPORATION
1000 Cornwell Bridge Road, Baltimore, Maryland 21204
Scale: 1"=50' 11/23/77 301



95-398-A

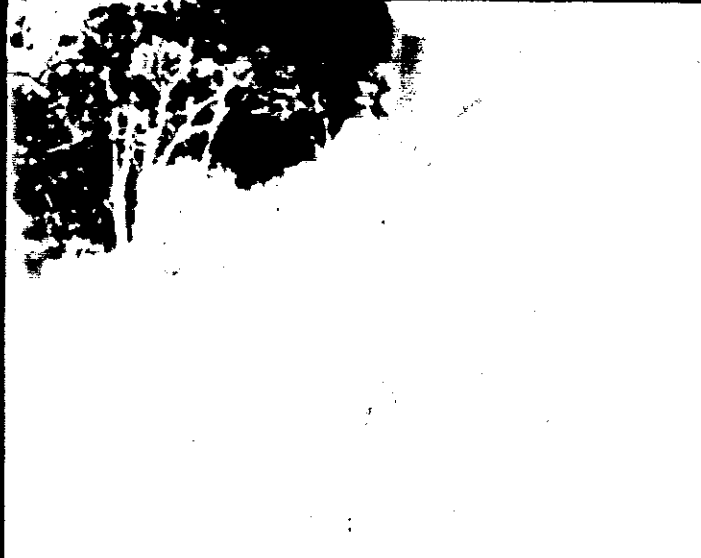
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Patrick T. Spalato
Dorothy V. Spalato
5407 Balistan Road
Baltimore, MD 21207-4505
(410) 646-5574
687-5797



PROPOSED STRUCTURE

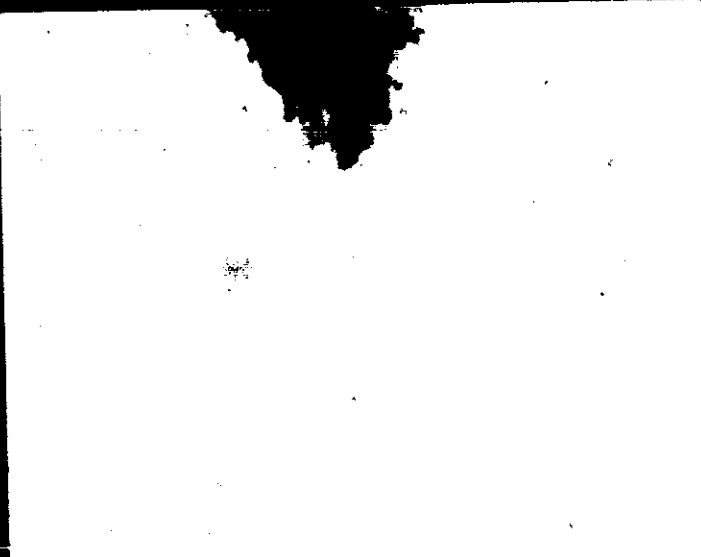
395



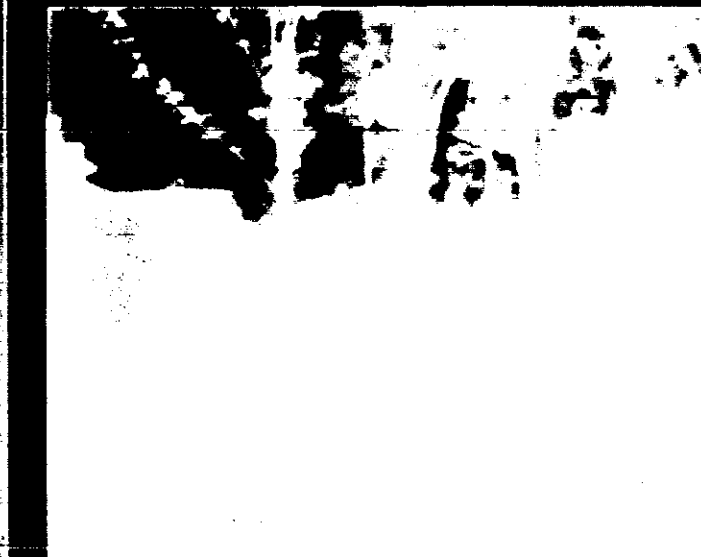
FRONT



FRONT



SIDE



BACK

Patrick T. Spalato
Dorothy V. Spalato
5407 Balistan Road
Baltimore, MD 21207-4505

95-398-A # 395



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
MARTINSBURG, W. V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	POPLAR	NE 6-H # 395
DATE OF PHOTOGRAPHY JANUARY 1986		

95-398-A